

(1) First and Final Account and Report of Administration, Petition for Settlement, (2) for Allowance of Statutory Compensation to Executors and to Attorneys, (3) for Allowance of Extraordinary Fees to Executor, Donald Wolfe, and to Attorneys, and (4) for Final Distribution

DOD: 04/15/08		DONALD WOLFE , sole remaining Executor, and MARITZA SOLANO-LAZAR , Co-Executors until her resignation on 12/09/09, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: 1. Need proposed pro rata payment schedule to creditors of the estate assets remaining after payment of the costs of administration. 2. No itemization of requested extraordinary fees has been provided. 3. Notice of hearing to Cameron Lewis Stephenson was sent in care of Trisha Elaine Stephenson Phillips; notice mailed to a person in care of another person is insufficient pursuant to CA Rules of Court 7.51 (a)(2). 4. The proof of service on Notice of Hearing filed 02/10/14 does not indicate service on James Christensen, County Bank or Wm. Thomas Lewis, Esq., both of whom have filed a request for special notice.
		Account period: 09/02/08 – 07/15/13	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	09/05/08	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

Accounting	-	\$2,944,606.77
Beginning POH	-	\$2,789,859.19
Ending POH	-	\$177,708.25 (all cash)
Executors	-	\$30,937.56
(statutory, to be split 15% or \$4,640.63 to Maritza Solano Lazar and 82% or \$26,296.93 to Donald Wolfe)		
Executor x/o	-	\$8,525.00 (to Donald Wolfe for sales of real property, sales of personal property (vehicles), travel expenses related to sales of property, liquidation of assets, etc.)
Attorney	-	\$30,937.56
(statutory, to be split 14% or \$4,558.00 to Kevin Gunner and 86% or \$26,379.56 to Griswold, LaSalle, Cobb, Dowd & Gin)		
Attorney x/o	-	\$21,771.90 (for work related to petition to determine heirship and family allowance request, work determining ownership of a BMW and Rolex watch, tax preparation, petitions relating to whether the estate was the owner of real property, sales/short sales/foreclosures of real property, sales of a boat and vehicles, sale of jewelry owned by decedent)
Costs	-	\$3,422.11 (copy charges, online research, mail charges, certified copies, service of process – Petitioner states that more than 17 creditor's and interested parties required notice)
Continued on Page 2		

Reviewed by: JF
Reviewed on: 03/07/14
Updates:
Recommendation:
File 1 – Stephenson

Closing Reserve - **\$15,000.00**

Outstanding Creditor's Claims- **\$8,935.629.38**

Declaration of Don Wolfe filed 02/28/14 states that the estate incurred an additional expense in the amount of \$6,445.00 after the filing of this Petition for the preparation of Federal Estate Tax Returns, this amount was paid by the estate. Therefore the remaining cash in the estate is \$171,263.25 rather than \$177,708.25 as reflected in the Petition.

Petitioners state that after payment of requested statutory and extraordinary attorney's fees and costs, \$60,669.12 will be available to pay the creditors of the estate on a pro rata basis to satisfy the outstanding creditor's claims, with any remaining funds to be distributed to Donald Wolfe and Maritza Solano-Lazar, Successor Co-Trustees of the Casey Stephenson Revocable Living Trust.

(1) Second and Final Report of Joshua David Leong, Administrator on Waiver of Account and (2) Petition for Allowance of Compensation to Attorney for Ordinary Services and (3) for Final Distribution

DOD: 2-3-12		JOSHUA DAVID LEONG , Son and Administrator with Full IAEA without bond, is Petitioner. Final accounting is waived. I&A: \$156,997.00 POH: \$152,332.84 (\$12,332.84 cash plus real property located at 4431 N. Teilman) Administrator (Statutory): Waived Attorney (Statutory): \$6,070.27 Costs: \$750.00 (not itemized, not included in the proposed order) Closing: \$1,000.00 Distribution pursuant to intestate succession: Joshua David Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property Isaac Paul Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property Joel James Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property Benjamin Thomas Leong: \$1,315.64 cash plus a 25% undivided interest as tenant in common in the real property	NEEDS/PROBLEMS/COMMENTS: 1. Need consent to distribution of real property in undivided interests from <u>all distributees</u> pursuant to Local Rule 7.12.4. 2. Attorney fee base appears to still be incorrect. See Examiner's explanation on Page 2. 3. Petitioner originally requested \$750.00 in reimbursement for costs. Examiner Notes requested itemization pursuant to Local Rule 7.17. This Amendment does not provide any itemization of the costs, and only states that \$750.00 was paid to the attorney for costs, which is not sufficient. However, although the prayer requests reimbursement, it does not appear to be included in the order or the calculation of distribution to the four heirs. Therefore, <u>if</u> reimbursement of \$750.00 in costs is requested, need itemization, and also need recalculation of distribution and revised order. <p style="text-align: center;"><u>SEE PAGE 2</u></p>
Cont. from 021814			
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
✓ PTC			
✓ Not.Cred.			
Notice of Hrg	Waived		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	6-14-12		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			

Reviewed by: skc
Reviewed on: 2-10-14
Updates:
Recommendation:
File 2 – Leong

Page 2

Note re Proposed Order: It was previously noted that the estate obtained a \$33,000.00 loan in order to keep the real property, and Examiner Notes noted that borrowing on behalf of the estate was not authorized per §9800. Examiner Notes further noted that Petitioner requested that the Court confirm all acts and proceedings, but that the Court may strike any such language from the order based on this action.

Examiner notes that at this time, the Amendment continues to request such confirmation of acts in the prayer; however, the order does not include the language.

Note re Attorney Fee Base:

The attorney provides the following fee base:

+ I&A \$156,997.00
+ Receipts \$14,742.86 (*unclear where this figure came from*)
+ Gains \$1,472.38
- Losses \$2,730.93
= Fee base \$169,008.93
= Fee \$6,070.27

However, these figures do not correspond to the schedules provided in the "Amendment" document. According to the schedules in the "Amendment" document, the fee base would be as follows:

+ I&A \$156,997.00
+ Receipts \$4,072.86 (???)
+ Gains \$28.41 (???)
- Losses \$2,450.00 (???)
= Fee base \$156,848.27
= Fee \$5,705.45

However, the schedules in the "Amendment" document are obviously incomplete and conflict with the schedules provided concurrently in the "Ex Parte" document. This fee base is also incorrect.

Therefore, based on review of all of the schedules and figures provided in both the "Amendment" and "Ex Parte" documents together, Examiner calculates the fee base as follows:

+ I&A \$156,997.00
+ Receipts \$12,695.00 (rent \$10,670.00, principal \$25.00 + \$2,000.00 from debtor of decedent)
(*There is a \$2,047.86 discrepancy between this figure and the figure the attorney uses of \$14,742.86.*)
+ Gains \$1,472.38 (jewelry sales, Indian Sweets and Spices, unclaimed property)
- Losses \$2,730.93
= Fee base \$168,433.45
= Fee \$6,053.00

(1) First and Final Report; Petition for Approval of Account; (2) for Allowance of Attorneys' Compensation; (3) for Allowance of Costs Advanced; (4) for Final Distribution; (5) for Instructions and/or for Entitlement to Distribution

DOD: 07/13/12		SUSIE S. VERDUZCO-SAMANC , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 07/13/12 – 01/15/14	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	11/16/12	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCC/JEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Accounting - \$487,036.68 Beginning POH - \$455,800.00 Ending POH - \$285,800.00 (no cash) Executor - waived Attorney - \$12,720.73 (statutory) Attorney x/o - \$1,000.00 (for work done in relation to a short sale on an estate property) Costs - \$2,570.55 (filing fees, publication, certified copies, service of process) Petitioner states that decedent's will devises \$5,000.00 in stock in a Mexican business each to his three sisters. Petitioner states that the business is very small and is worth less than \$10,000.00. The stock in the company was not included in the inventory & appraisal because the petitioner never acquired possession of any stock. The business in question is not incorporated and there is no "stock". The business does not generate sufficient income to pay income to any person with an ownership interest that does not work in the business. Petitioner's attorney has been advised by an attorney in San Diego that it is likely to cost more than \$10,000.00 to secure the interest for the estate. Because the interest is of little value compared to the cost of collecting it, Petitioner requests an instruction of this court that she may forgo any proceeding in Mexico to acquire possession of the interest. Continued on Page 2	

Reviewed by: JF

Reviewed on: 03/06/14

Updates:

Recommendation:

File 3 – Verduzco

Petitioner states that decedent's will states that the New York Life Insurance Policy, the IRAs and the Teacher's Retirement are to be divided equally between Petitioner and Joaquin S. Verduzco. The will further directs that the following amounts are to be subtracted "from this amount:" Funeral Expenses, \$2,000.00 to Juanita S. Verduzco, \$1,000.00 to Carmen Perez and \$1,000.00 to Martha Wong. Petitioner and Joaquin Verduzco were the named beneficiaries of the insurance, IRA and retirement benefit. Petitioner seeks an instruction and order that neither Juanita S. Verduzco, Carmen Perez, nor Martha Wong are entitled to a distribution from the estate from those assets. Because such assets are not part of the estate Petitioner asserts that the direction in the will to pay bequests from those assets is ineffectual and unenforceable. Petitioner seeks an instruction that the estate has no such obligation and/or that said persons are not entitled to a distribution of the bequests.

Distribution, pursuant to decedent's will, is to:

Joaquin S. Verduzco - 100% interest in 2002 Toyota Tacoma pickup, 100% interest in residence on Grant Avenue in Fresno, 100% interest in refrigerator, washer and dryer, 50% undivided interest in all personal property not specifically devised; \$15,000.00 (to be paid from any property not known or discovered), and 50% undivided interest in any other property not now known discovered

Susie S. Verduzco-Samanc - 100% interest in residence on E. Rancho Drive in Fresno, 100% interest in outdoor patio chair and table furniture, outdoor kitchen, spa, china cabinet, table and chairs, 50% undivided interest in all personal property not specifically devised, and 50% undivided interest in any other property not now known discovered (after payment of \$15,000.00 to Joaquin S. Verduzco from such property)

In addition to the above distribution, Petitioner prays for an Order:

1. That the Court excuse Petitioner from conducting a proceeding in Mexico to obtain the business interest of Petitioner's in Mexico;
2. That the Court instruct Petitioner that she has no obligation to distribute specific cash gifts to Juanita S. Verduzco, Carmen Perez nor Martha Wong;
3. That the Court order that the first \$15,000.00 of any property of the estate not now known or discovered that may belong to the estate or in which the decedent of the estate may have any interest be distributed to Joaquin S. Verduzco and afterwards equally to Susie S. Verduzco-Samanc and to Joaquin S. Verduzco; and
4. That the court order that any unpaid fees be a lien on the properties distributed to the beneficiaries.

4 Betty Jean Chrest (CONS/PE)
Atty Marshall, Jared C (for Petitioner/Conservator of the Person Diane Rodrigues)
Atty Helon, Marvin T (Court Appointed for Conservatee)
Atty Kruthers, Heather H (for Conservator of the Estate Public Guardian)

Case No. 12CEPR01002

Petition to Change Personal Residence of Conservatee

Age: 84 years		DIANE RODRIGUES , Conservator of the person, is petitioner. Petitioner states the order appointing conservator of the person included an order that the Conservatee shall not be relocated from her residence absent an order from the court following a noticed hearing. In addition, the order stated the Conservatee shall not be placed in a nursing facility absent an order from the court following a noticed hearing.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from		Petitioner states that it has recently come to her attention that the conservatee needs to be placed into an assisted living facility for her protection and to provide for her needs. Her dementia has progressed sufficiently to interfere with her ability to perform her daily activities. She needs to be told to take her medications, and needs help cooking and cleaning her house. A copy of Physician's Report completed by Dr. Win Myint, who has been treating the Conservatee since 2001, is attached to the petition. Also attached to the Petition is a copy of a letter prepared by Markham Kirsten, M.D., who saw the conservatee on 11/7/13. The report and letter support the move of the conservatee to an assisted living facility. Petitioner requests the authority to relocate the conservatee from her current residence to Emeritus Assisted Living Facility in Vacaville, CA. The assisted living facility is located ten minutes from petitioner's residence in Vacaville.	Reviewed by: KT Reviewed on: 3/10/14 Updates: Recommendation: File 4 – Chrest	
<input type="checkbox"/>	Aff.Sub.Wit.			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Verified			<input type="checkbox"/>
<input type="checkbox"/>	Inventory			<input type="checkbox"/>
<input type="checkbox"/>	PTC			<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Notice of Hrg			<input type="checkbox"/>
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<input type="checkbox"/>	Aff.Pub.			<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.			<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.			<input type="checkbox"/>
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<input type="checkbox"/>	Letters			<input type="checkbox"/>
<input type="checkbox"/>	Duties/Supp			<input type="checkbox"/>
<input type="checkbox"/>	Objections			<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt			<input type="checkbox"/>
<input type="checkbox"/>	CI Report			<input type="checkbox"/>
<input type="checkbox"/>	9202			<input type="checkbox"/>
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>		
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		

Petition for Substituted Judgment to Modify Conservatee's Revocable Survivor's Trust

		BROOKE A. CASTLE , Granddaughter and Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> \$435 remains due from Clayton James Stott for the hearing required on the matter of his Ex Parte Application for Order Limiting Powers of Conservator as ordered per minute order on 2-5-14. <u>Note:</u> Pursuant to Minute Order 3-5-14, Attorney Natalie Nuttall was to provide a revised order based on the outcome of the hearing. As of 3-6-14, no order has been received for signature. <u>Note:</u> Clayton James Stott was previously represented by Attorney Paul Franco; however, pursuant to Substitution filed 2-19-14, he is now represented by Attorney Gary Motsenbocker. 1. This petition for substituted judgment, in essence, seeks to remove the existing current trustee Clayton James Stott, from office in a trust which was previously created by the Conservatee prior to conservatorship. An action for removal would need to be brought in a separate case under applicable law and with appropriate notice. See Probate Code §§ 17200, 15642, etc. Regardless of whether substituted judgment is granted, a separate trust action must be filed and heard under applicable law. 2. The Court may require clarification as to why substituted judgment for an entirely new trustee is preferable to the named successor trustee, Darlene Stott, if Clayton James Stott is removed. 3. Petitioner appears to assume that this modification requires continuing jurisdiction. However, Cal. Rules of Court 7.903 applies to trusts <u>funded</u> by Court order under Probate Code §2580. This trust was already funded and the modification does not affect the assets or funding. Therefore, need clarification and authority for continuing jurisdiction. Please also note, again, that if this petition is granted, a separate trust action must be filed for such continuing jurisdiction. See #1 above and Local Rule 7.1.2.
		Petitioner states she was appointed as Conservator of the Person and Estate of Patricia Stott on 8-15-13.	
	Aff.Sub.Wit.	Patricia Stott's immediate family consists of a sister, a daughter-in-law, adult grandchildren, and her stepson, Clayton James "Jim" Stott, who is currently the trustee of the Conservatee's revocable survivor's trust executed on 2-15-13.	
✓	Verified	Petitioner requests to modify the Conservatee's current revocable Survivor's Trust solely for the purpose of appointing a third party professional fiduciary, H.F. RICK LEAS , with Central Valley Fiduciary Services, as sole acting trustee. The Conservatee has indicated to Petitioner that in an effort to diminish any continued conflict between the trustee (Mr. Stott) and the conservator (Petitioner), she wishes to have a neutral fiduciary act as the sole trustee of her survivor's trust.	
	Inventory	Currently, Ms. Castle, as conservator of the estate, is reliant upon Mr. Stott to provide sufficient funds from the trust to the conservatorship estate in order to pay the conservatee's numerous bills and living expenses. As this Court is well aware, the parties in this matter have sought the Court's assistance on several occasions to resolve their disputes.	
	PTC	Mr. Leas is agreeable to act as trustee and is named in the proposed trust (Exhibit A). On the conservatee's death, the trustee will distribute as currently provided in the conservatee's existing estate plan. Petitioner is informed and believes that the Conservatee is in favor of the proposed action, and the proposed action would have no adverse effect on the estate.	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 3-6-14

Updates:

Recommendation:

File 5 – Stott

Page 2

Petitioner states the Conservatee as a reasonably prudent person would indeed take the proposed action herself if not under a conservatorship. Petitioner states the Conservatee originally felt "badgered" by Mr. Stott with issues related to her financial assets, most of which are held in the trust, and therefore nominated Petitioner as her conservator. Most recently, for several months, Mr. Stott has failed to provide any funds to Ms. Castle from the trust which are necessary for Ms. Castle to pay the conservatee's bills and expenses. As such, Ms. Castle is unable to perform her duties as conservator.

As stated, the Conservatee has requested that a neutral person take over the responsibilities as trustee of her trust in order to alleviate the ongoing conflict between Mr. Stott and Ms. Castle and for the Conservatee's personal well-being and benefit.

The proposed modified trust (Exhibit A) includes the same provisions for distribution on the conservatee's death as the current trust, and becomes a trust subject to continuing jurisdiction under Cal. Rules of Court 7.903.

Petitioner requests an order:

1. **Authorizing and directing BROOK A. CASTLE, as Conservator of the person and estate of PATRICIA G. STOTT, to execute and date the modified proposed trust (entitled THE PATRICIA STOLL GREGORY STOTT REVOCABLE SURVIVOR'S TRUST ESTABLISHED PURSUANT TO COURT ORDER), attached as *Exhibit A* to this order, on behalf of PATRICIA G. STOTT, pursuant to California Probate Code Sections 2580(a)(1) and 2580(b)(11)(A); and**
2. **For such other and further relief as the Court deems proper.**

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 09/28/2011		ESTELLA G. GARZA and RAQUEL G. NANEZ , request that ESTELA G. GARZA, RAQUEL G. NANEZ , and ROJELIA G. GONZALEZ , daughters, be appointed co-executors without bond. Full IAEA - ? Will dated: 09/27/2001 Residence: Parlier Publication: The Business Journal <u>Estimated value of the Estate:</u> Personal property - \$20,880.00 Real property - \$272,907.00 Total - \$293,787.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: Minute Order 02/11/2014: Examiner notes are provided to Counsel. The following issues remain: 1. Original Will is attached to the petition. Pursuant to Probate Code §8200(a)(1) the original will is to be deposited with the Court and a copy of the will attached to the petition. 2. Will is not self-proving. Need proof of Subscribing Witness. 3. Need name and date of death of the decedent's spouse pursuant to Local Rule 7.1.1D. 4. Affidavit of Publication does not include IAEA language therefore the Court cannot grant IAEA authority. 5. Need proof of service of Notice of Petition to Administer Estate on Teodora Garza Garza. Note: Teodora Garza Garza was served in care of Estella Garza Garza, Trustee. Service in care of another person is insufficient pursuant to CA Rules of Court 7.51 (a)(1). 6. Duties & Liabilities of Personal Representative was not signed by Rojelia G. Gonzalez. 7. Need Confidential Supplement to Duties & Liabilities of Personal Representative from Rojelia G. Gonzalez. <p align="center"><u>See additional page</u></p>	
Cont. from 121013, 021114				
<input type="checkbox"/>	Aff.Sub.Wit.			<input checked="" type="checkbox"/>
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<input type="checkbox"/>	Citation	<input type="checkbox"/>		
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Reviewed by: LV				
Reviewed on: 03/07/2014				
Updates:				
Recommendation:				
File 6 – Garza				

8. Need Declaration from Rojelia G. Gonzalez consenting to act as personal representative.
9. #5a(3) or 5a(4) was not answered regarding domestic partner.
10. #5a(7) or 5a(8) of the Petition was not answered regarding issue of predeceased child.
11. Letters do not include each of the personal representatives' names and signatures.
12. Order does not include Rojelia G. Gonzalez.

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 08/15/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 05/15/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Tuesday, March 11, 2014

DOD: 03/30/2011		HELEN REED , Trustee of the Reed Family Trust, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	Minute Order of 02/04/2014: No appearances. Counsel directed to review the examiner notes posted on the Court's website.
Cont. from 020414		No other proceedings	Copy of Minute Order mailed to Attorney Daniel T. McCloskey on 02/07/2014.
	Aff.Sub.Wit.		Note: The filing fee was initially waived for this petition; however, the fee will be due prior to distribution pursuant to Government Code §68637. (Filing fee is \$435.00.)
✓	Verified	I&A - \$100,000.00	
✓	Inventory	Will dated: 04/28/1997 will devises all assets to the Trustee of the Reed Revocable Living Trust, designated as the Reed Family Trust.	1. Need Order.
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Petitioner requests Court determination that decedent's 100% interest in real property located at 3207 S. Cherry Fresno, Ca. pass to Reed Family Trust pursuant to decedent's will.	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		Reviewed by: LV
	Status Rpt		Reviewed on: 03/07/2014
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 7 – Reed

DOD: 10/31/13		JOYCE J. KAUFMAN , trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states:	1. The copy of the Trust attached to the Petition is missing Exhibit A which the Trust states lists the property the Trustors intended to transfer to the Trust. Need evidence that the accounts requested to be confirmed as assets of the Trust were designated by the Trustors are property to be transferred to the Trust. 2. The proof of service filed with the Notice of Hearing does not indicate that a copy of the Petition was served with the Notice of Hearing as required pursuant to Probate Code § 851.
		1. The JAMES KAUFMAN FAMILY TRUST was created and entered into on 08/09/10 by JAMES M. KAUFMAN and JOYCE J. KAUFMAN, as Trustors and as Trustees (the "Trust"). On the same date, James M. Kaufman executed a pour-over will directing that all of his property be placed in the Trust. 2. James M. Kaufman ("Decedent") died on 10/31/13. Before his death, Decedent and Petitioner were in the process of transferring all of their assets into the Trust. Petitioner and Decedent created the Trust and intended to transfer all of their assets into the Trust in order to avoid probate proceedings upon death. For unknown reasons, but likely due to the substantial assets held by the Kaufmans, as well as Mr. Kaufman's deteriorating health, they failed to transfer all of their personal property into to the Trust prior to Mr. Kaufman's death, although they did transfer some of their personal property into the Trust. 3. Assets owned by Decedent that were not transferred to the Trust consists of three bank accounts with a value in excess of \$1,000,000.00 (listed on exhibit "C" to the Petition). 4. According to the terms of the Trust, upon the death of the first spouse, the trust was to distribute trust property into three separate and equal shares. Until Decedent's remaining property is placed into the trust, those shares cannot be distributed. 5. Petitioner states that transfer of the property would be interest of decedent and would enable Petitioner to take full possession of the property and properly execute the remaining trust instructions.	
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	Aff.Sub.Wit.		
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	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
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	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Petitioner prays for an Order:	
		1. Instructing the Trustee that the personal property listed on Exhibit C to this Petition are assets of the JAMES KAUFMAN FAMILY TRUST; that title is vested in the Trust, and that JOYCE J. KAUFMAN, as sole Trustee of the Trust, has full powers to sell and transfer said personal property in accordance with the provisions of the Trust.	
			Reviewed by: JF Reviewed on: 03/10/14 Updates: Recommendation: File 8 – Kaufman

Atty LeVan, Nancy J., sole practitioner (for Jonathan Holcomb, Executor)

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and Failure to File a First Account or Petition for Final Distribution

DOD: 10/26/2007		<p>JONATHAN HOLCOMB, son, was appointed Executor with Full IAEA authority without bond on 5/26/2009.</p> <p>Letters issued on 5/26/2009.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was due 9/26/2009.</p> <p>First account and/or petition for final distribution was due May 2010.</p> <p>Notice of Status Hearing filed 11/15/2013 set this status hearing on 1/10/2014 for failure to file the inventory and appraisal and first account and petition for final distribution.</p> <p>Status Report filed 3/7/2014 states:</p> <ul style="list-style-type: none"> An inventory and appraisal has been prepared and sent to Steven Diebert on 2/26/2014; It has not been returned as of this date [3/6/14]; It is anticipated that the value of the estate will be less than what is owed to the IRS and the Franchise Tax Board; Contact has been made to the Principal Financial Group to redeem the common shares in Decedent's name and place them in the estate; Attorney LeVan requests ~90 days to complete the redemption of shares held by the Principal Financial Group into the estate, payment of the Franchise Tax Board claim, and preparation of the Petition for final Distribution or Termination of the Estate due to lack of assets; Jonathan Holcomb has become very cooperative in providing the necessary documents to ascertain the assets in the estate and contacting the holders of the assets. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 1/10/2014.</u> Minute Order states counsel informs the Court that they are proceeding with the recovery of assets turned over to the Controller.</p> <ol style="list-style-type: none"> Need final inventory and appraisal, and final account. Need proof of service <i>Status Report</i> pursuant to the Request for Special Notice filed by the Franchise Tax Board on 7/7/2009. <p>Note: Creditor's Claim was filed 7/7/2009 by the Franchise Tax Board in the amount of \$481.07.</p>	
Cont. from 011014				
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 3/10/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Holcomb</p>		

DOD: 10/22/11	WILL SCOTT, JR. , surviving spouse, was appointed successor Administrator on 02/08/13.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 01/10/14 Minute Order from 01/10/14 states: Counsel advises the Court that they are having difficulty with Wells Fargo Bank. Counsel further advises that he believes this may be a no asset estate. 1. Need Inventory & Appraisal								
Cont. from 052413, 062113, 081613, 101113, 011014	Letters of Administration were issued on 02/08/13.									
Aff.Sub.Wit.	Status Report filed 05/17/13 states: Counsel and the Administrator have not had time to determine what assets remain in the estate and what assets have been determined to be joint tenancy property. A continuance is requested so that counsel and the Administrator can meet to prepare the Inventory & Appraisal and forward it to the Probate Referee for appraisal and subsequent filing with the Court.	<table border="1"> <tr><td>Reviewed by:</td><td>JF</td></tr> <tr><td>Reviewed on:</td><td>03/05/14</td></tr> <tr><td>Updates:</td><td>03/10/14</td></tr> <tr><td>Recommendation:</td><td>File 10A – Scott</td></tr> </table>	Reviewed by:	JF	Reviewed on:	03/05/14	Updates:	03/10/14	Recommendation:	File 10A – Scott
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Letters	Status Report filed 10/10/13 states: It appears that there are no assets in this estate, but they have not had time to do an Inventory & Appraisal.									
Duties/Supp										
Objections	Status Report filed on 12/23/13 states the Administrator has served a Subpoena for Records on Wells Fargo Bank in September regarding four bank accounts. As of this date, Wells Fargo has failed to produce the requested records. A demand for production of records pursuant to the subpoena was served on Wells Fargo on 11/20/13, and no response nor records have been received as of this date. Therefore, Administrator is unable to prepare and file and inventory and appraisal. The estate is not yet in a condition to close.									
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Citation										
FTB Notice	Status Report filed 03/06/14 states that all assets of the estate appear to be held in joint tenancy and there will be no further action in the estate except for the discharge of the Administrator, which shall be filed in the next month.									

Probate Status Hearing Re: Filing of First Account or Petition for Final Distribution
(Prob. C. §12200, et seq.)

DOD: 10-22-11		<p>WILL SCOTT, JR., son, was appointed successor Administrator with limited IAEA without bond on 02/08/13 pursuant to a Stipulation for Settlement filed 2-6-13.</p> <p>Letters of Administration were issued on 2-8-13.</p> <p>On 4-12-13, the Court sent notice of status hearings for filing of I&A on 5-24-13 and filing of first account or petition for final distribution on 10-25-13.</p> <p>Note: Inventory and Appraisal has not been filed. Status hearing for filing I&A was continued numerous times and on 10-11-13 was again continued to 1-10-14.</p> <p>Status Report filed 03/06/14 states that all assets of the estate appear to be held in joint tenancy and there will be no further action in the estate except for the discharge of the Administrator, which shall be filed in the next month.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/10/14 Minute Order from 01/10/14 states: Counsel advises the Court that they are having difficulty with Wells Fargo Bank. Counsel further advises that he believes this may be a no asset estate.</p> <p>Note re history: Michelle Scott, daughter, was originally appointed as Administrator with Will Annexed and the Will dated 6-10-11 was admitted to probate on 2-2-12.</p> <p>Will Scott Jr., filed a Will Contest. Pursuant to Stipulation for Settlement filed 2-6-13, Michelle Scott resigned and Will Scott Jr., was appointed as Successor Administrator with limited IAEA without bond.</p> <p>Letters issued 2-8-13. Upon issuance of Letters the Court set status dates for filing I&A and petition for final distribution.</p> <p>The original petition estimated personal property valued at \$150,000 and real property that was encumbered for its entire value of \$300,000.</p> <p>Creditor's claims have been filed, and partially allowed.</p> <p>The Stipulation for Settlement indicated \$57,250 held in attorney Fanucchi's trust and discussed estate assumption of liabilities on creditor's claims as well as other litigation and various releases and waivers by the parties.</p> <p>An unverified status report filed 10-10-13 in connection with the continued status hearing on filing the I&A stated that it appears there are no estate assets, but they have not had time to do an I&A.</p> <p>1. Need status of estate.</p>
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Reviewed by: skc/JF
Reviewed on: 03/05/14
Updates: 03/10/14
Recommendation:
File 10B – Scott

DOD: 12/25/2011 Cont. from 011014 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 100px;">Aff.Sub.Wit.</td><td style="width: 50px;"></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<p>HERBERT HERNANDEZ and RICHARD HERNANDEZ, were appointed Co-Administrators, with Limited IAEA authority, on 11/8/12.</p> <p>The Court ordered \$50,000.00 into a blocked account.</p> <p>Receipt for Blocked Account (\$50,000.00) filed on 12/4/12.</p> <p>Final Inventory and Appraisal filed on 1/10/14 showing the estate valued at \$27,105.00</p> <p>Supplemental Inventory and Appraisal no. 1 filed on 1/10/14 shows property valued at \$86,279.00</p> <p>Status Report of Gary Bagdasarian filed on 3/7/14 states a disagreement between the co-executors over the amounts of reimbursement to each of them has been resolved, and the parties are now putting together the Final Report and Account of Estate. A request is made for a continuance of 60 days (for May 14, 2014 or thereafter.)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/10/14. Minute order states the Court is advised that efforts are being made to resolve this matter.</p> <p>1. Need first account or petition for final distribution.</p>
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File 11 – Hernandez																																																

Atty	Dowling, Michael P., sole practitioner (for Respondent Cara Alexander Gimlin, Successor Trustee)
Atty	Sherwood, Peter A., of Sherwood Law Offices, Visalia (for Linda Alexander Di Michillie, Successor Trustee)
Atty	Boyajian, Thomas, sole practitioner, for Kenneth Alexander & Suzanne Alexander, Trust Beneficiaries

Probate Status Hearing” Further Settlement Agreement

Carolyn DOD: 6/17/2002	CARA A. ALEXANDER GIMLIN , daughter and Successor Trustee of the ALEXANDER FAMILY 1998 REVOCABLE TRUST as amended (<i>aka SURVIVOR'S TRUST</i>), filed a <i>Petition for Confirmation of Proposed Distribution of Alexander Family 1998 Revocable Trust - Survivor's Trust Pursuant to Court Order</i> .	NEEDS/PROBLEMS/ COMMENTS:
Arthur DOD: 11/21/2011		
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9202	An Order Re: Settlement and Stipulation for the Petition for Order Confirming Ownership Interest in Real Property was filed on 8/22/2013 in connection with the agreed settlement in this matter; pursuant to Section 13 of the Order, this Court retained jurisdiction over the SURVIVOR'S TRUST ;	
<input checked="" type="checkbox"/> Order		
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	<p>A portion of the proceeds have been distributed to the beneficiaries of the SURVIVOR'S TRUST, including all amounts owed to KENNETH A. ALEXANDER and SUZANNE M. ALEXANDER for reimbursement of out-of-pocket expenses and ½ of profit; the remainder is on hand and available for final distribution.</p> <p>Minute Order dated 2/18/2014 from the last hearing states: A further settlement agreement is reached as set forth by Mr. Dowling. The Court is advised that there are no more claims, demands, or issues regarding the trustee. The Court indicates to the parties that this will be a global settlement of all claims known and unknown. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the agreement. Mr. Dowling is directed to prepare the order. The petition before the Court is approved pending receipt of agreement.</p>	

Atty Teixeira, J. Stanley (for Bryan Snavelly & Brad Snavelly – sons/Petitioners)

Atty Bagdasarian, Gary G. (Court Appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
1821, 2680-2682)

Age: 82		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR AMENDED</u> <u>PETITION FILED ON 02/28/2014</u> <u>AND SET FOR 04/09/2014.</u></p>
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	Citation	
	FTB Notice	
		<p>Reviewed by: LV</p> <p>Reviewed on: 03/07/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13A – Snavelly</p>

13A

Amended Petition for Appointment of Temporary Conservator of the Person and Estate

Age: 82		TEMPORARY GRANTED EXPARTE EXPIRES 03/11/2014		NEEDS/PROBLEMS/COMMENTS:	
		<p align="center"><u>GENERAL HEARING 04/09/2011</u></p> <p>BRYAN SNAVELY and BRAD SNAVELY, sons, are Petitioners, and request appointment as Temporary Co-Conservators of the Person and Estate with bond set at \$712,848.00.</p> <p>Declaration of Don H. Gaede, M.D. filed 03/03/2014 supports request.</p> <p>Estimated value of the Estate: Personal property - \$645,400.00 Real property - \$1,500,000.00</p> <p>Petitioners state they have been informed by the proposed conservatee's primary care physician that the proposed conservatee suffers from dementia. Robert's house smells of rodent feces and urine. Food in the refrigerator and freezer is beyond expiration dates. He stores tools with sharp edges and blades in the house. Proposed conservatee cannot care for himself, prepare meals and maintain his residence in a clean and safe condition.</p> <p>Proposed conservatee attempts to pay his bills, but places written checks with statement and does not mail payment. P.G.&E is threatening to shut off power because of unpaid bills. He makes impulsive purchases when watching television and responds unquestioningly to "investment offers" received in the mail. Recently he agreed to sell some real property for at least \$40,000 less than what it is worth in a transaction where the real estate agent represents both buyer and seller.</p> <p align="center"><u>Please see additional page</u></p>		<p>Court Investigator Advised Rights on 02/18/2014.</p> <ol style="list-style-type: none"> 1. Need proof of personal service at least 5 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Conservator of the Person on the proposed conservatee pursuant to Probate Code § 2250.0(c). 2. Need Bond set at \$712,848.00 and letters to issue. 	
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Reviewed by: LV
Reviewed on: 03/10/2014
Updates:
Recommendation:
File 13B – Snavely

Report of Attorney Bagdasarian for Conservatee filed on 03/07/2014 states he has reviewed the Petition for Appointment of Probate Conservator of the Person filed 01/28/2014, the Court Investigator Investigation to Establish Temporary Conservatorship, the Confidential Supplemental Information filed 01/28/2014, the Amended Petition for Appointment of Temporary Conservator of the Person and Estate filed 02/28/2014 and Amended Capacity Declaration. Attorney Bagdasarian has discussed the Petition with J. Stanley Teixeira, the Attorney for the proposed Conservators Brian Snavelly and Brad Snavelly.

Attorney Bagdasarian visited the proposed Conservatee on 03/03/2014 and discussed with him the matters raised in the Petitions for Appointment of the Probate Conservator of the Person and Estate. In speaking with the proposed Conservatee, he was extremely adamant that he did not feel that he required the conservatorship of the person and estate to be imposed upon him and asked that it be dismissed. Mr. Snavelly's son has now moved in with him and is providing the necessary care the he needs. Mr. Snavelly handles most to his own banking matters and property issues and wants to continue to do the same. While the capacity declaration indicated a mild dementia, Mr. Snavelly does not believe that should effect his ability to handle his own health issues and manage his assets.

Court Investigator Julie Negrete filed 03/04/2014.

Age: 12		CRYSTAL LEE ROGALSKY , guardian/maternal grandmother, is petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Father: NIEL E. STONE , served by mail on 01/09/2014.		1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing of Petition for Termination of Guardianship on: <ul style="list-style-type: none"> • Paternal Grandparents (Unknown) • Ronald Rogalsky (Maternal Grandfather) 	
Cont. from		Mother: CINDY KAHER , consents and waives notice, served by mail on 01/09/2014			
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<input checked="" type="checkbox"/>	Verified				
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<input type="checkbox"/>	Not.Cred.	Maternal Grandfather: Ronald Rogalsky			
<input checked="" type="checkbox"/>	Notice of Hrg	Minor: Andrew Stone, served by mail on 01/09/2014.			
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		Petitioner states: she believes that the minor's mother, Cindy Kaher, is now able to care for him. She has proved to the petitioner that she has provided a home for him and has consistently shown the ability to care for him and his needs. The mother is now married, has a job with the ability to support the child. The mother's has proven that she is now ready to accept all responsibilities.			
		Court Investigator Charlotte Bien's report filed 02/14/2014.		Reviewed by: LV	
				Reviewed on: 03/10/2014	
				Updates:	
				Recommendation:	
				File 14 – Stone	

Pro Per Aslanyan, Nunik (Pro Per Petitioner, surviving spouse)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 09/20/2008		NUNIK ASLANYAN , surviving spouse, is Petitioner. No other proceedings. Decedent died intestate. Petitioner states no reasons upon which to base an allegation that the subject property is property that should pass to Petitioner as the surviving spouse. Petitioner attaches to her Petition: 1. A copy of Decedent's Death Certificate (not certified) listing Petitioner as "wife" in section for informant and lists Petitioner as Decedent's surviving spouse; 2. A copy of a Russian Passport, translated into English and notarized on 12/29/2008, indicating the Petitioner was registered in marriage with the Decedent; and 3. A copy of an Interspousal Transfer Deed notarized on 1/28/2004 indicating that Petitioner as wife and grantor grants to Decedent as husband of grantor real property identified in Exhibit "One" (Note: <u>No</u> document listing real property and identified as Exhibit One is attached to the Petition.)	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 1/28/2014.</u> Minute Order states Ms. Vareldjian is sworn and interprets. The Court informs petitioner that defects need to be cured. Examiner notes given. 1. <i>Petition</i> was filed using a fee waiver. A filing fee of \$435.00 must be paid by Petitioner to the Court prior to the Court issuing an order to pass property. 2. Item 5a(1) of the <i>Petition</i> indicates the Decedent was survived by children, but does not list Decedent's children in Item 9 of the <i>Petition</i> . Additionally, information regarding children as natural or adopted is omitted. 3. Item 5a(2) is incomplete regarding issue of a predeceased child. 4. Need <i>Notice of Hearing</i> and proof of service by mail of the <i>Notice of Hearing</i> pursuant to Probate Code § 13655(a)(2). 5. Item 9 of the <i>Petition</i> is incomplete; therefore, <i>Petition</i> does not provide the information necessary to verify the required notice. ~Please see additional page~
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG
Reviewed on: 3/10/14
Updates:
Recommendation:
File 15 – Vareldjian

NEEDS/PROBLEMS/COMMENTS, continued:

6. Need *Attachment 7* to the *Petition* describing sufficient facts pursuant to Probate Code § 13651(a)(3) and (4) for the Court to determine that the property listed in *Attachment 7(a)* is community property passing to Petitioner.
7. Need Attachment 7(a) to the *Petition* containing the legal description of the subject real property including the APN (Assessor's Parcel Number.)
8. Need proposed order.

		TEMP EXPIRES 3-11-14	NEEDS/PROBLEMS/COMMENTS:
		IMOGENE M. IPSEN , Maternal Great-Grandmother, is Petitioner.	1. Notice of Hearing filed 2-4-14 indicates that the grandparents were served with Notice of Hearing, but a copy of the petition was not included per Probate Code §1511. 2. Need proof of service of Notice of Hearing with a copy of the petition on Maternal Grandmother Debbie Bass per Probate Code §1511 or consent and waiver of notice or declaration of due diligence.
		Father: ROBERT MARTINEZ, JR. - Personally served 1-22-14	
		Mother: BESS A. MARTINEZ - Personally served 1-13-14	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		Paternal Grandfather: Richard Martinez - Served by mail 1-9-14	
		Paternal Grandmother: Linda Martinez - Served by mail 1-9-14	
		Maternal Grandfather: Donnel Cooper - Served by mail 1-9-14	
		Maternal Grandmother: Debbie Bass	
		Petitioner states the father is incarcerated and the mother is severely addicted to drugs (meth) and is not capable of caring for her daughter as she has voluntarily left the child in Petitioner's care. The mother assaulted her mother and missed her court date in December and there is a warrant out for her arrest. She is also on probation in Kings County due to assault and her drug related history. She is now attempting to take the child and Petitioner is fearful for the child's welfare.	
		Court Investigator Dina Calvillo filed a report on 2-27-14.	
		Reviewed by: skc	
		Reviewed on: 3-10-14	
		Updates:	
		Recommendation:	
		File 16 – Martinez	

Petition for Appointment of Temporary Conservator of the Person and Estate

		GENERAL HEARING 4-10-14	NEEDS/PROBLEMS/COMMENTS:
		LETICIA G. RODRIGUEZ , Daughter, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate without bond.	Court Investigator advised rights on 3-3-14.
		Petitioner also requests authority to change the proposed conservatee's residence during the temporary conservatorship to Petitioner's home.	1. Need Notice of Hearing.
	Aff.Sub.Wit.		2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on Proposed Conservatee pursuant to Probate Code §2250(e).
✓	Verified		3. Need proof of service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on <u>all relatives</u> pursuant to Probate Code §2250(e).
	Inventory		4. Petitioner states at #5 that the proposed Conservatee has \$101,000.00 in <u>personal</u> property; however, she then describes that the proposed conservatee's assets consist of two residences, social security, and the rental income from the residences, if any.
	PTC		Need clarification: Is the \$101,000.00 <u>personal</u> or <u>real</u> property?
	Not.Cred.		5. Petitioner requests appointment without bond; however, pursuant to Probate Code 2320(c)(4) and Cal. Rules of Court 7.207, every conservator of the estate must furnish bond including cost of recovery. The bond in this case could be based on income, since real property cannot be sold without Court authorization. Therefore, based on the income listed, bond should be \$11,854.70.
	Notice of Hrg	X	Reviewed by:
	Aff.Mail	X	Reviewed on:
	Aff.Pub.		Updates:
	Sp.Ntc.		Recommendation:
	Pers.Serv.	X	File 17 – Garcia
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Estimated value of estate: Personal property: \$ 101,000.00 Annual income: \$ 10,777.00 Plus cost of recovery: \$ 11,177.70 Bond required: \$ 122,954.70	
		Petitioner states her mother had been residing in her own home with her son Fernando Alvarez Garcia and his girlfriend Pauline Esquire, who were her caregivers. Petitioner states Fernando and Pauline have long histories of substance abuse and Petitioner believes they were stealing from the proposed Conservatee while caring for her. Fernando died in January 2014 and at this time Pauline is refusing to allow the proposed conservatee's other children access to her. APS has become involved on several occasions and recommended that Petitioner file for conservatorship. Attached is a printout from Fresno PD listing the number of visits to the home – it appears police have been called to the home at least 146 times for disturbance calls, homicide, service of warrants, assaults, suicide attempts, and numerous other offenses. Petitioner fears for her mother's safety and requests to immediately move her to her own residence. Petitioner states that in 2010 Petitioner took the proposed Conservatee to her home after she realized her brother and his girlfriend were not properly caring for her; however, Petitioner states APS advised her that she had to return her to her home absent a court order. Petitioner believes Pauline is currently collecting the proposed conservatee's social security income and rental income from another home that she owns that is occupied by another daughter. Petitioner also believes that Fernando and Pauline may have obtained credit in the proposed conservatee's name. Petitioner states there is little estate besides the two residences. There was property in Mexico, but she believes Fernando sold it.	
		Court Investigator Jo Ann Morris filed a report on 3-4-14.	

1A The Cenci Family Trust (Trust)
Atty Denning, Stephen M. (for Richard G. Cenci – Petitioner)
Atty Sullivan, Robert L (for Bruce D. Bickel – Trustee)
Atty Tekunoff, Daniel J. (for Maike Cenci, Spouse of Respondent Herman Cenci)
Atty Motsenbocker, Gary L (for Terese Cenci McGee)

Case No. 10CEPR00244

Amended Petition to Enforce Judgment Against Trust Beneficiaries
[Prob. C. 17000, et seq.]

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-9-13, 10-29-13, 1-17-14</u></p> <p>Note: Examiner Notes are not provided for this matter. however, the following is provided:</p> <p>Minute Order 12-5-13 (Status Hearing): Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing.</p> <p>Minute Order 1-17-14 (Status Hearing): The Court orders that the accounting be filed by no later than 2/18/14. Any objections thereto are to be filed by 3/4/14. Counsel are directed to file settlement conference statements along with courtesy copies for the court one week before the hearing. Continued to 3/11/14.</p> <p>Note: First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust filed 2-18-14 by Richard Cenci is set for hearing on 4-2-14. Objections have been filed by Terese Cence McGee and Herman F. Cenci.</p> <p><i>Page 1C is Settlement Conference/Status Hearing</i></p>
Cont. from 090913, 102913, 011714		
Aff.Sub.Wit.		
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PTC		
Not.Cred.		
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Objections		
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CI Report		
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Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 3-10-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A – Cenci</p>

1A

Petition Requesting Accounting by Trustee of the Cenci Bypass Trust [Prob. C. 16060, 16061, 16062; Evid. C. 452 & 453]

		TERES CENCI MCGEE is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner requests that RICHARD G. CENCI , Trustee Of the CENCI FAMILY BYPASS TRUST , render an account of his acts and actions of said trust. Petitioner states:	
Cont. from 102913, 011714		1. She is the daughter of the Settlers Herman R. Cenci and Esther C. Cenci and is therefore an interested person.	<p><u>Continued from 10-29-13, 1-17-14</u></p> <p><u>Minute Order 12-5-13 (Status Hearing):</u> Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing.</p> <p><i>Page 1C is Settlement Conference/Status Hearing</i></p>
<input type="checkbox"/>	Aff.Sub.Wit.	2. Richard Cenci, Successor Trustee of the Cenci Family Bypass Trust, has served in that capacity since fall 2010 and has not rendered an account and report in the intervening three years.	
<input type="checkbox"/>	Verified	3. Petitioner requests the Court take judicial notice of all pleadings and proceedings contained in the court record, including but not limited to the multiple and various copies of the Trustors' initial trust and the amendments thereto pursuant to Evid. C. §452.	
<input type="checkbox"/>	Inventory	4. In accord with the provisions of the first amendment to the trust dated 2-18-04, Petitioner requested an account in writing, which was hand delivered to the trustee's attorney on or about 5-8-13. To date, Petitioner has not received acknowledgment of the request or the mandated account in response. Petitioner is entitled to and the trustee is duty bound to render an accounting within 90 days of receipt of written request. As of the filing of this petition, the trustee has refused to render account or respond.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
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<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Petitioner request that the Court order that:	
		1. Richard G. Cenci be ordered to render an accounting within 90 days of this hearing;	
		2. For such attorney fees allowed under the law;	
		3. For costs of suit incurred herein; and	
		4. For all other proper relief the Court deems proper under the circumstances.	
		Richard G. Cenci filed his Opposition on 10-24-13. See additional pages.	
			<p>Reviewed by: skc</p> <p>Reviewed on: 3-10-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1B – Cenci</p>

Page 2

Richard G. Cenci states the petition should be denied for the following reasons:

- 1. Petitioner is not a beneficiary to whom income or principal is required or authorized to be currently distributed, and Respondent is not required to account to her. Probate Code §16062.**
- 2. Petitioner did not bring her petition pursuant to §17200(b)(7). *Esslinger v. Cummins, supra*, at page 526.**
- 3. Because Petitioner owes the family trust more than she would reasonably be expected to receive on distribution from it, Petitioner has no relevant interest in the family trust.**
- 4. The probate court has discretion to grant or deny a petition for an order compelling a trustee to account. Because Petitioner committed elder financial abuse and breached her fiduciary duty to her mother that resulted in a significant loss to her, Petitioner has no right to an accounting of the family trust, and because of her actions has no interest in the family trust to protect.**

See Opposition for details.

Atty Denning, Stephen M. (for Richard G. Cenci – Petitioner)

Atty Sullivan, Robert L (for Bruce D. Bickel – Trustee)

Atty Tekunoff, Daniel J. (for Maike Cenci, Spouse of Respondent Herman Cenci)

Atty Motsenbocker, Gary L (for Terese Cenci McGee)

Settlement Conference / Status Hearing

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1-14-14</p> <p>Minute Order 12-5-13: (Status Re: Amended Petition to Enforce Judgment Against Trust Beneficiaries <u>and</u> Status Re: Petition Requesting Accounting by Trustee of the Cenci Bypass Trust): Mr. Denning advises the Court that he has an outline for a potential settlement. Mr. Sullivan informs the Court that the checks have all gone out and receipts have been returned. Matter set for Settlement Conference/Status Hearing on 1/17/14. If no settlement has been reached in the interim, counsel is to submit their settlement conference statements one week before the next hearing. All matters currently set 1/16/14 are vacated and rescheduled for 1/17/14. Set on 1/17/14 at 10:30am in Dept. 303 for Settlement Conference/Status Hearing.</p> <p>Minute Order 1-17-14 (Status Hearing): The Court orders that the accounting be filed by no later than 2/18/14. Any objections thereto are to be filed by 3/4/14. Counsel are directed to file settlement conference statements along with courtesy copies for the court one week before the hearing. Continued to 3/11/14.</p> <p>Note: First and Final Account and Report of Trustee of the Cenci Family (Bypass) Trust filed 2-18-14 by Richard Cenci is set for hearing on 4-2-14. Objections have been filed by Terese Cence McGee and Herman F. Cenci.</p>
Cont. from 011714		
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File 1B – Cenci		